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D. B. Springer Art Unit 122
015,752 Busch et al 02/27/79

Paper No. 18

MAILED

SEP 18 1980

GROUP 120

Oblon et al
1755 S. Jeff. Davis Hwy.
Crystal Square Five, Ste 400
Arlington, Va. 22202

This is a communication from the Examiner in
charge of your application.

Commissioner of Patents
and Trademarks

1. ☐ The communication filed _____ is informal/non-responsive for the reason(s) checked below and should be corrected. *APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.*

- a. ☐ The amendment to claim(s) _____, filed _____, fails to comply with the provisions of rule 121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by _____, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required. See M.P.E.P. 714.07.
- e. ☐ Other

2. ☐ In accordance with applicant's request, *THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED _____ IS EXTENDED TO RUN _____ MONTH(S).*

No further extension will be granted unless approved by the Commissioner. Rule 136(b).

3. ☐ This application is being forwarded to Abandoned Files Unit in view of:

- a. ☐ The letter of express abandonment which is in compliance with rule 138.
- b. ☐ Applicant's failure to file the response received _____ within the period set.


4. ☒ All of the claims being allowable, prosecution on the merits is closed in this application and the Notice of Allowance or other appropriate communication will be sent in due course, in view of:

- a. ☒ Applicant's ~~brief~~ brief filed July 15, 1980.
- b. ☐ Telephone interview with _____ on _____.
- c. ☐ Personal interview with _____ on _____.
- d. ☐ An Examiner's Amendment will follow.
- e. ☐ Note attached Notice of References cited, PTO-892.

5. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.

6. ☒ Other : Statement of Reasons for Allowance.
D. B. Springer (703)557-3032

TO FACILITATE PROCESSING
THIS CASE IS BEING
ADDED TO THE
ART UNIT 122
HAS BEEN RECEIVED


Donald G. Daus
Supervisory Patent Examiner
Art Unit 122

STATEMENT OF REASONS FOR ALLOWANCE

ATTACHMENT 18
TO PAPER NO.

SERIAL NO. 0151752

The application is deemed allowable as the error in the structure of the compounds claimed has been clearly demonstrated and reasons why the errors appeared in the original patent clearly set forth. The reissue is thus remedial and not new matter within the meaning of 35 U.S.C. 120. ^{benefit} The decisions of In re Sukowski, 180 U.S.P.Q. 627 and Sukowski v. Mathieson, 179 P.Q. 687 are pertinent.

From all appearances applicants were diligent in seeking a reissue once the error in the chemical structure of the compounds claimed in the original was discovered.

Any comments considered necessary by applicant must be submitted no later than the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."